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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 GAYLEN GEORGE THOMPSON,

Case No. 2:18-cv-00430-KJD-PAL

8 Plaintiff,

9 v.

ORDER

10 ELKO COUNTY DISTRICT COURT, et al.,

(Mot. WD Notice – ECF No. 6)

11 Defendants.

12 This matter is before the court on Plaintiff Gaylen George Thompson 's Motion to
13 Withdraw Notice of Intent (ECF No. 6).

14 On March 15, 2018, the court entered an Order (ECF No. 5) which required Mr. Thompson
15 to either submit a new IFP application if he chose to move forward with the case, accompanied by
16 a signed and executed financial certificate, a signed and executed financial affidavit, and a
17 statement of his inmate trust account on or before **April 16, 2018**. The order warned Mr.
18 Thompson that his failure to comply with this Order by: (a) submitting an IFP application or (b)
19 paying the filing fee, and submitting an amended complaint on the correct form, before the **April**
20 **16, 2018** deadline would result in a recommendation to the district judge that this case be
21 dismissed.

22 Although the court did not formally screen the complaint, the order advised Mr. Thompson
23 that it appeared his complaint was attempting to state claims for violation of his civil rights arising
24 out of his arrest and subsequent conviction in state court. The complaint alleged that Mr.
25 Thompson was still in custody of the Nevada Department of Corrections and that his conviction
26 had not been reversed on direct appeal, expunged by executive order or declared invalid. The
27 court therefore advised Mr. Thompson that his claims were probably barred under *Heck v.*
28 *Humphrey*, 512 U.S. 477, 487 (1994). The order gave Mr. Thompson the opportunity to withdraw

1 his notice and other forms filed with the court to avoid paying the filing fee should his complaint
2 be screened and dismissed under *Heck*.

3 On March 30, 2018, Mr. Thompson filed a Motion to Withdraw the Notice of Intent (ECF
4 No. 6) informing the court that he prematurely filed his Notice of Intent, Motion for Subpoena,
5 and Motion for Writ of Prohibition filed with the court. He requests that the court allow him
6 withdraw the documents he filed in this matter now that he understands that the court lacks
7 jurisdiction if the invalidity of his underlying conviction has not been called into question.

8 **IT IS ORDERED** that:

- 9 1. The Motion for Withdrawal of Notice of Intent (ECF No. 6) is **GRANTED**. All
10 pending applications are **WITHDRAWN**.
11 2. The Clerk of Court shall **administratively close the case**.

12 Dated this 8th day of May, 2018.

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15 PEGGY A. ALLEN
16 UNITED STATES MAGISTRATE JUDGE
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